

AMENDED IN SENATE JUNE 15, 2010

AMENDED IN ASSEMBLY APRIL 6, 2010

CALIFORNIA LEGISLATURE—2009–10 REGULAR SESSION

ASSEMBLY BILL

No. 2409

**Introduced by Assembly Member Nestande
(Principal coauthor: Assembly Member Hill)**

February 19, 2010

An act to amend Section 10632 of the Water Code, relating to urban water management.

LEGISLATIVE COUNSEL'S DIGEST

AB 2409, as amended, Nestande. Urban water suppliers: water shortage contingency analysis.

Existing law, the Urban Water Management Planning Act, requires an urban water supplier, as defined, to prepare and adopt an urban water management plan for submission to the Department of Water Resources and other entities, in accordance with prescribed requirements. *The act requires each urban water supplier to update its urban water management plan at least once every 5 years on or before December 31, in years ending in 5 and zero.* The act requires an urban water management plan to include, among other things, an urban water shortage contingency analysis. The urban water shortage contingency analysis is required to include various elements relating to water supply availability during water shortages and interruptions.

This bill, *commencing with the urban water management plan update due on December 31, 2015*, would require an urban water supplier, for purposes of developing a water shortage contingency analysis, to analyze and define water features that are artificially supplied with water,

including ponds, lakes, waterfalls, and fountains, separately from swimming pools and spas, as defined.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 10632 of the Water Code is amended to
2 read:
- 3 10632. (a) The plan shall provide an urban water shortage
4 contingency analysis that includes each of the following elements
5 that are within the authority of the urban water supplier:
- 6 (1) Stages of action to be undertaken by the urban water supplier
7 in response to water supply shortages, including up to a 50 percent
8 reduction in water supply, and an outline of specific water supply
9 conditions ~~which~~ *that* are applicable to each stage.
- 10 (2) An estimate of the minimum water supply available during
11 each of the next three water years based on the driest three-year
12 historic sequence for the agency's water supply.
- 13 (3) Actions to be undertaken by the urban water supplier to
14 prepare for, and implement during, a catastrophic interruption of
15 water supplies including, but not limited to, a regional power
16 outage, an earthquake, or other disaster.
- 17 (4) Additional, mandatory prohibitions against specific water
18 use practices during water shortages, including, but not limited to,
19 prohibiting the use of potable water for street cleaning.
- 20 (5) Consumption reduction methods in the most restrictive
21 stages. Each urban water supplier may use any type of consumption
22 reduction methods in its water shortage contingency analysis that
23 would reduce water use, are appropriate for its area, and have the
24 ability to achieve a water use reduction consistent with up to a 50
25 percent reduction in water supply.
- 26 (6) Penalties or charges for excessive use, where applicable.
- 27 (7) An analysis of the impacts of each of the actions and
28 conditions described in paragraphs (1) to (6), inclusive, on the
29 revenues and expenditures of the urban water supplier, and
30 proposed measures to overcome those impacts, such as the
31 development of reserves and rate adjustments.
- 32 (8) A draft water shortage contingency resolution or ordinance.

1 (9) A mechanism for determining actual reductions in water use
2 pursuant to the urban water shortage contingency analysis.

3 (b) ~~For~~ *Commencing with the urban water management plan*
4 *update due December 31, 2015, for* purposes of developing the
5 water shortage contingency analysis pursuant to subdivision (a),
6 the urban water supplier shall analyze and define water features
7 that are artificially supplied with water, including ponds, lakes,
8 waterfalls, and fountains, separately from swimming pools and
9 spas, as defined in subdivision (a) of Section 115921 of the Health
10 and Safety Code.